

Message Text

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ORIGIN OES-07

INFO OCT-01 EUR-12 IO-13 ISO-00 DOE-15 ACDA-12 CIAE-00
DODE-00 PM-05 INR-10 L-03 NSAE-00 NASA-01 NSC-05
SOE-02 SS-15 /101 R

DRAFTED BY OES/APT/SA:IMPIKUS;L:L/UNA:DPSTEWART:MAB
APPROVED BY L:L/UNA:DPSTEWART
S/P:WGATHRIGHT
IO/UNP:DAMACUK
EB/CTA/TD:GHUFFCUTT
INR/STA:DPALMER
NASA:SEDOYLE (SUBS)

-----076705 220529Z /23

R 212050Z MAR 78
FM SECSTATE WASHDC
TO USMISSION GENEVA
INFO AMEMBASSY MOSCOW
USMISSION USUN NEW YORK

C O N F I D E N T I A L STATE 072586

E.O. 11652: GDS

TAGS: TSPA, UN, UR

SUBJECT: OUTER SPACE LEGAL SUBCOMMITTEE: SOVIET PAPER
ON USE OF GEOSTATIONARY ORBIT

REF: GENEVA 4058

1. REFTEL DOES NOT INDICATE WHY SOVIETS ARE PROPOSING
UNGA RESOLUTION ON GEOSTATIONARY ORBIT (GSO) AT THIS TIME.
DEPARTMENT HAS SOME RESERVATIONS AS TO WISDOM OF THIS
APPROACH, SINCE IT WOULD APPEAR TO PROMOTE NOTION THAT GSO
IS WORTHY OF SPECIAL TREATMENT, E.G., IN TERMS OF SPECIAL
LEGAL REGIME.

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2. DEL SHOULD PRIVATELY ATTEMPT TO KEEP ISSUE SQUARELY
WITHIN THE OUTER SPACE COMMITTEE AND LEGAL SUBCOMMITTEE
(LSC) AND TO AVOID ELEVATION TO THE UNGA.

3. WITH RESPECT TO SPECIFIC LANGUAGE OF SOVIET PAPER,
FOLLOWING POINTS SHOULD BE USED AS GUIDANCE IN ORDER TO

BRING TEXT INTO CONFORMITY WITH THE PROVISIONS OF THE 1967
OUTER SPACE TREATY:

A. PARAS 1 AND 1(A). UNLESS THE LEGAL PRINCIPLES TO BE
ENUNCIATED ARE EXACTLY AS SET FORTH IN THE 1967 TREATY,

THE WORD "GOVERNING" SHOULD BE AVOIDED. THE WORDS "PER-
TAINING TO" WOULD BE PREFERABLE. LAST LINE SHOULD READ:
"NATIONAL APPROPRIATION BY CLAIM OF SOVEREIGNTY, BY MEANS
OF USE OR OCCUPATION, OR BY ANY OTHER MEANS."

B. PARA 1(C). SUGGEST FOLLOWING LANGUAGE: "ALL STATES
ENJOY THE RIGHT TO USE THE GSO ON THE BASIS OF EQUALITY
AND IN ACCORDANCE WITH INTERNATIONAL LAW. THE UTILIZATION
OF GSO BY STATES SHOULD BE GUIDED BY THE PRINCIPLE OF
COOPERATION WITH DUE REGARD TO THE CORRESPONDING INTERESTS
OF OTHER STATES."

4. ALTHOUGH DEPARTMENT HAS NO FUNDAMENTAL OBJECTION TO
THRUST OF SOVIET PAPER, WE SEE NO NEED TO SUPPORT THE
PROPOSAL IN OPEN DEBATE OR OTHERWISE ENCOURAGE FORMAL
CONSIDERATION OF DRAFT RESOLUTION. ARGUMENT AGAINST
SPECIAL REGIME FOR GSO WOULD SEEM BETTER SERVED BY
RETAINING SUBJECT WITHIN CONFINES OF LSC AND OSC. WE
WONDER WHETHER IT MIGHT NOT BE MORE APPROPRIATE, IF SOME
ACTION IS UNAVOIDABLE, TO SEEK TO INCLUDE SUBSTANCE OF
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PAPER IN LSC REPORT (AND OSC REPORT), IN ORDER TO TRY TO
OBTAIN ENDORSEMENT OF THE POSITION AS REFLECTED IN THE
REPORTS BY FIRST COMMITTEE AND UNGA IN THE FALL. VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PAPERS, INTERNATIONAL ORGANIZATIONS, SPACE PROGRAMS, HOTEL ACCOMMODATIONS, RESOLUTIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 21 mar 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE072586
Document Source: CORE
Document Unique ID: 00
Drafter: IMPIKUS:L:L/UNA:DPSTEWART:MAB
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780125-0878
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780341/aaaabina.tel
Line Count: 97
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 822561c0-c288-dd11-92da-001cc4696bcc
Office: ORIGIN OES
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 GENEVA 4058
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 15 jun 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3251714
Secure: OPEN
Status: NATIVE
Subject: OUTER SPACE LEGAL SUBCOMMITTEE: SOVIET PAPER ON USE OF GEOSTATIONARY ORBIT
TAGS: TSPA, UR, US, UN, OUTER SPACE LEGAL SUBCOMMITTEE
To: GENEVA
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/822561c0-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014